



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

MISCELLANY.

ABRAHAM LINCOLN'S ADVICE TO YOUNG LAWYERS.—The leading rule for the lawyer, as for the man of every other calling, is diligence. Leave nothing for to-morrow which can be done to-day. Never let your correspondence fall behind. Whatever piece of business you have in hand, before stopping, do all the labor pertaining to it which can then be done. When you bring a common-law suit, if you have the facts for doing so, write the declaration at once.

If a law point be involved, examine the books and note the authority you rely on upon the declaration itself, where you are sure to find it when wanted. The same of defenses and pleas. Extemporaneous speaking should be practiced and cultivated. It is the lawyer's avenue to the public. However able and faithful he may be in other respects, people are slow to bring him business if he cannot make a speech. And yet there is not a more fatal error to young lawyers than relying too much on speech-making. If any one upon his rare powers of speaking shall claim an exemption from the drudgery of the law, his case is a failure in advance. Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses and waste of time. As a peace-maker the lawyer has a superior opportunity of being a good man. There will still be business enough. Never stir up litigation. A worse man can scarcely be found than one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defects in titles whereupon to stir up strife and put money in his pocket? A moral tone ought to be infused into the profession which should drive such men out of it. The matter of fees is important, far beyond the mere question of bread and butter involved. Properly attended to, fuller justice is done both lawyer and client. An exorbitant fee should never be claimed. As a general rule never take your whole fee in advance, nor any more than a small retainer. When fully paid beforehand you are more than a common mortal if you can feel the same interest in the case as if something was still in prospect for you, as well as for your client. And when you lack interest in the case the job will very likely lack skill and diligence in the performance. There is a vague popular belief that lawyers are necessarily dishonest. I say vague, because when we consider to what extent confidence and honors are reposed in and conferred upon lawyers by the people, it appears improbable that their impression of dishonesty is very distinct and vivid. Yet the impression is common, almost universal. Let no young man choosing the law for a calling for a moment yield to the popular belief; resolve to be honest at all events; and if in your judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer.—*Chicago Legal News.*

FORM OF A PETITION FOR CHANGE OF NAME UNDER VA. CODE 1904, SECTION 3138.—To the Circuit Court of the City of Richmond, Virginia: Your petitioner, John Blackburn Smith, respectfully represents that he is a resident of the City of Richmond, Virginia; that he is a son of the late Thomas I. Smith and Nannie Branch Smith, whose maiden name was Nannie Branch Taylor; that your

petitioner was born on the 4th day of August, 1871; that from his early childhood he has been known as John Blackburn, having been thus called in order to prevent confusion with the names of other members of his father's family; that he is now known among his friends and in his business relations as John Blackburn, and that in order to prevent confusion and difficulty in the transaction of his lawful affairs he desires to change his name from John Blackburn Smith to John Blackburn, and to this end hereby makes application to this honorable court in accordance with the statute in such cases made and provided, to-wit: Section 3138 of the Code of Virginia, 1904.

And your petitioner will ever pray.

FORM OF ORDER CHANGING NAME UNDER VA. CODE 1904, SECTION 3138.—In the Circuit Court of the city of Richmond, Virginia, January 16th, 1905. In the matter of the change of the name of John Blackburn Smith.

This day came John Blackburn Smith and by leave of court filed his petition setting forth that he is a resident of the city of Richmond, and that he is a son of Thomas I. Smith and Nannie Branch Smith, whose maiden name was Nannie Branch Taylor; that he was born August 4, 1871; and that he desires to change his name to John Blackburn.

And the court having considered said petition, and being of the opinion that the application made therein should be granted, proceeding under the statute in such cases made and provided, to-wit: Section 3138 of the Code of Virginia 1904, doth hereby change the name of John Blackburn Smith to John Blackburn.

NOTE.—The granting of such a petition is in the discretion of the court. This discretion was probably given to prevent a fraudulent change of name to evade creditors, &c. Hence the reasons for change of name should be given in the petition. The names of the parents of the petitioner and the date of his birth are given for the purpose of identification. It is suggested that the practitioner note a reference to these forms on the margin of his Code opposite section 3138.

CORRECTION OF ERRORS WHICH APPEARED IN THE PUBLICATION OF AN ARTICLE ENTITLED "SALES UNDER DEEDS OF TRUST, ETC."—10 VIRGINIA LAW REGISTER, 491.—On page 497, the first sentence in the last paragraph should read as follows: "In *Gibson's Heirs v. Jones*, a bill in equity was exhibited by the heirs of a grantor against the trustees in a deed of trust to secure the payment of a debt, the purchaser at the trust sale and his subsequent vendee, etc." In the publication it is split into two parts by placing a period after the word "debt."

On page 504 change the word "grantee," which appears in the second new sentence on that page, to "grantor."

On page 499, cancel numeral 20 in text matter, and place it over the word "statute" on same line; put 21 over the word "trustee," the last word on the page. Beginning at numeral 21 in the text on page 500, change it to 22; and change each numeral in the text thereafter, up to and including 35, by adding one to the numeral, which appears in the publication, as follows: 22 change to 23, 23 change to 24, 24 change to 25, and so on up to 35, which change to 36. Change 36 in text to 37, and change the note 37 so that it will include only "11 Leigh. 348." Change 37 in text to 38, and, in the notes, identify the

citation "92 Va. 86" by the numeral 38, instead of including it in note 37 as published. Change 38 in text to 39, and change note 38 to 39.

In order to simplify matters I have allowed the numerals in the notes to remain as they are in the publication in so far as practicable, although not in exact accordance with my manuscript, and have changed the numerals in the text matter to correspond with them. I trust this will avoid confusion.

E. R. F. WELLS.

TWO METHODS OF DISSOLUTION OF VIRGINIA CORPORATIONS.—Va. Code 1904, sec. 1105e (2), sub-sec. i, provides that a corporation may *wind up and dissolve itself* or be wound up and dissolved in the manner provided by statute. Section 1105a (11) provides an elaborate method for the formal dissolution of corporations by order of the State Corporation Commission. When a company winds up and dissolves itself, there is no provision of law requiring it to make a formal report to the commission of its dissolution. As, however, it is necessary that the commission should be advised of the dissolution of the company, in order that it may avoid the assessment of the franchise tax against it, the commission has prepared a blank form providing for a statement of the time, circumstances and character of dissolution, which form it furnishes upon application, and when returned files said statement of dissolution and notes same in the records of the department without making any charge therefor. For a formal dissolution, however, by order of the commission pursuant to the section aforesaid, the commission requires the prepayment of a fee of \$5.50.

The commission issues no form for application for dissolution by the commission. The following may be used where *all* the stockholders consent to dissolution :

Form for the Dissolution of a Corporation under Section 1105a (11) Va. Code 1904, where all the Stockholders Consent to Dissolution.

To the State Corporation Commission of the Commonwealth of Virginia:

We, the undersigned, being all the stockholders of the Up-to-Date Printing Company, a corporation chartered by the judge of the Circuit Court of the City of Richmond, Virginia, in vacation, January 18, 1889, do hereby give our consent to the dissolution of said corporation, and do hereby apply for a certificate of dissolution, as provided for in section 11 of chapter 1 of An Act Concerning Corporations, which became a law May 21, 1903. (Va. Code 1904, sec. 1105a (11)).

.....
.....
.....
.....
.....

I, John Smith, secretary of the Up-to-Date Printing Company, do hereby certify that, whose names are signed to the foregoing application for a certificate of dissolution, are all of the stockholders of the said Up-to-Date Printing Company.

Given under my hand this 31st day of December, 1904.

.....
Sec'y Up-to-Date Printing Company.

Note reference to this form in your Code opposite to section above referred to.

STATE BAR EXAMINATION, RICHMOND, VA., JANUARY 6, 1905.

1. Define "Law," "Municipal Law," and "International Law."
2. What constitutes the municipal law of this state, and from what sources derived?
3. Name the different classes of courts having jurisdiction in this state. Give the jurisdiction of each.
4. How may title to real property be acquired? How to personal property?
5. What is a corporation? How are private corporations chartered?
6. A stock subscriber in a Virginia corporation assigns his stock before it has been paid for. Is the assignee liable to the corporation or its creditors for the unpaid installments of stock? If so, upon what principle, in what form of action, and within what time must action or suit be brought after calls made?
7. A ships a horse over a Virginia railway, billed to New York, a point beyond the railway company's lines. In the bill of lading, which is not signed by the shipper or his agent, it is provided that, in consideration of a reduced rate of freight, the railway company shall not be liable beyond its lines for loss of or injury to the horse, and that in no event shall it be liable for a sum exceeding \$100. The horse is killed by the negligence of a connecting carrier, and is worth \$500. Can A recover from the Virginia railway company for his loss, and if so, how much?
8. A husband and wife acquired a farm in 1845, in which they are seized as tenants *by entiresies*. In 1860 the husband obtained a divorce *a vinculo* upon other than the scriptural ground, by a decree which made no disposition of the property rights of the parties. The husband re-married and died, leaving both wives surviving him. What are their respective interests in the farm? Give reasons for your answer.
9. A agrees in writing to lease to B black acre and white acre for five years. B takes possession of black acre, but A refuses to give him possession of white acre. At the end of the first year A forcibly ejects B from black acre. What are B's remedies?
10. In an action of ejectment, where no privity exists between the plaintiff and the defendant, what must the plaintiff prove to make out a *prima facie* case?
11. A railway company acquired a right of way through a tract of land by a deed from the life tenant, which purports to convey the fee. It constructed its road in 1857, and has held uninterrupted possession since that time. The life tenant died in 1903. What are the rights of the remaindermen, if any, in the land embraced in the right of way and the improvements thereon, and how may they assert them, and within what time? Give reasons for your answer.
12. A, in the possession of a tract of land and a herd of cattle, sells both to B. Neither in the sale of the cattle nor in his conveyance of the land is there any express warranty of title. C claims and recovers both land and cattle from B. What are B's rights against A, and how may he assert them?
13. Define terms "gift," "gift *inter vivos*," and "gift *causa mortis*."
14. A, a stranger, goes into a barber-shop to be shaved. He hangs his overcoat on a hook, and in paying the barber for shaving him he drops a \$20 gold piece on the floor. When he leaves the shop he forgets his overcoat and does

not know that he has lost the coin. B, another customer of the barber, finds the coin and discovers that A has left his overcoat, and claims both. A never reclaims either. Which has the better right to retain the chattels, B or the barber? Give reasons for your answer.

15. Define a partnership, and state what persons are competent to become partners; how a partnership may be dissolved, and what notice is required to prevent a retiring member from being responsible for the future contracts of the firm.

16. A guardian wishes to sell the lands of his wards, some of whom are under 14 years of age, to re-invest the proceeds in other securities. By what proceeding and in what courts may it be done? Who are necessary parties complainant and defendant, respectively? State the various necessary steps in the case from its inception to its conclusion.

17. Define negligence. What degree of care is required of a steam railway carrier of passengers while the passenger is on board the cars? What in providing ways of approach from its station to the cars?

18. Two tramps, one for the purpose of begging and the other to purchase a ticket, enter a railway company's ticket and telegraph office, in which there are at the time the ticket agent, the conductor of a freight train awaiting orders, his engineman, and the section master in charge of tracks at station who had gone into the office to notify the railway company of a threatened slide. As the tramps go into the office, the locomotive of a passing train, running at a greater rate of speed than the schedule permits, jumps the track, strikes the station and inflicts injuries upon all of its inmates and the man running the engine. The cause of the accident was a defect in the track known to the railway company and caused by the section master's negligence. What duty did the railway company owe to each of the persons injured, and which, if any of them, can recover damages for the injuries done him?

19. A brings an action of debt on a bond, a negotiable note, and an open account, against B, who employs you to represent him. B denies that he executed the bond, made the note or purchased the goods charged in the account. He claims that, if he did, the bond was procured by fraud, and that the consideration for which it was executed has wholly failed; that the note was made under duress; and that the account was for whiskey sold by A without authority of law; and that since the alleged contracts were entered into he (B) had been adjudged a bankrupt. What pleas would you file in order to make these several defenses, and which, if any, would have to be sworn to?

20. A, who resides in Henry county, is sued in the circuit court for Hanover county upon a contract made in Fauquier county. Has the court in which A is sued jurisdiction, and how and when can that question be raised?

21. What constitutes the record in an action at law where there is a judgment by default? Where there is an appearance, but no bills of exception taken?

22. What is a vested right? Give an illustration. If the statute of limitations has barred an action, or a borrower of money had the right to plead usury at the time his debt was contracted, can the right to rely upon either plea be taken away by subsequent legislation? Give reasons for your answer.

23. A brings an action of debt on a bond against B, who pleads payment.

Which party has the right to open and conclude the argument? Give reasons for your answer.

24. Define a judicial sale. State what title the purchaser acquires at such sale, and within what time he must generally make objection to the title if he wishes the sale set aside.

25. In an action by an indorsee against his immediate endorser, upon a protested bill, is parol evidence of an agreement between them at the time of the endorsement admissible which would vary the legal liability of the endorser under his endorsement? Is the rule the same now as it was before the enactment of the "Negotiable Instrument law"?

26. Define "Estoppel;" state how many kinds there are.

27. Define "Evidence;" "Testimony;" "Proof." In jury cases, who determines the competency and credibility of witnesses, the admissibility of evidence, and its weight?

28. What courts have jurisdiction of cases of bankruptcy, and what is the effect of a discharge in bankruptcy?

29. A shoots at B with intent to commit murder, and maims C. Of what offense is A guilty, and how punished?

30. What is an information, and for what offenses may it be filed?

31. Upon the defense of insanity in a criminal case, upon whom is the burden of proof, and what degree of proof is required to sustain the plea?

32. When is the statement of a wounded man admissible as a part of the *res gestæ*? When as dying declaration?

33. In inflicting punishment for crime, what object should the law-maker have in view?

34. To what branch of the state government, legislative, executive or judicial, does the Corporation Commission belong? How and to what court may appeals from its orders be taken?

35. Can it make rules and regulations which may affect interstate commerce? If so, to what extent, and under what power of the state?

36. By whom and how are its orders enforced?

Twenty-one of the applicants failed. Twenty-four were successful. Their names are as follows:

Bowers, C. T.—1103 W. Main street, Richmond, Va.

Bohannon, J. Gordon—University of Virginia.

Cave, Wm. Walter—W. & L., Lexington, Va.

Dey, Jr., Wm. W.—Norfolk, Va.

Deans, Parke P.—University of Virginia.

Davies, H. Thornton—University of Virginia.

Goolrick, W. K.—University of Virginia.

Johnson, I. Branch—University of Virginia.

Lewis, Ralph C.—Vienna, Va.

Martin, J. C.—University of Virginia.

McCoy, Taylor—Staunton, Va.

Peery, Kent E.—Longwood, Va.

Poore, J. A.—University of Virginia.

Richards, J. Donald—Warrenton, Va.
Snyder, Wm. T.—University of Virginia.
Segar, Jr., Arthur—Hampton, Va.
Turner, J. M.—Richmond, Va.
Taylor, Daniel W.—Charlottesville, Va.
Upton, Robert J.—University of Virginia.
Wampler, T. Morris—Culpeper, Va.
Walker, R. C.—Richmond, Va.
Wooding, Jr., Harry—Danville, Va.
Watkins, H. B. M.—Richmond, Va.
Williams, R. W.—Wytheville, Va.